CITY COUNCIL MEETING CITY OF WATERTOWN

February 4, 2013 7:00 p.m.

Mayor Jeffrey E. Graham Presiding

Present: Council Member Roxanne M. Burns

Council Member Joseph M. Butler, Jr. Council Member Teresa R. Macaluso Council Member Jeffrey M. Smith

Mayor Graham

Also Present: Sharon Addison, City Manager

Robert J. Slye, City Attorney

City staff present: Elliott Nelson, Jim Mills, Ken Mix, Kurt Hauk, Amy Pastuf, Chief Herman, Barbara Wheeler, Deputy Chief Randall, Beth Morris, Gene Hayes, Justin Wood, Erin Gardner, Peter Keenan

The City Manager presented the following reports to Council:

- Resolution No. 1 Approving Employee Assistance Program Service Agreement, Northern Employee Assistance Services
- Resolution No. 2 Authorizing Sale of Real Property, Known as 123 Lynde Street East to Thousand Islands Area Habitat for Humanity, 1 Public Square, Watertown, New York 13601
- Resolution No. 3 Approving Contract for Professional Services With Avalon Associates Inc. and Neighbors of Watertown Inc. for a FY 2013 Small Cities CDBG Application
- Resolution No. 4 Approving Contract for Professional Services For Avalon Associates Inc. and Neighbors of Watertown Inc. for a FY 2013 HOME Application to HTFC
- Resolution No. 5 Approving 2013-14 Franchise Agreement, 1000 Islands Privateers, LLC
- Resolution No. 6 Finding That Changing the Approved Zoning Classification of 6.55 Acres of Land, East of Cannoneer Loop and South of Rand Drive, From Residence A to Residence C Will Not Have a Significant Impact on the Environment
- Resolution No. 7 Finding That Amending Section 310-34 of the Zoning Ordinance to Disallow Roomers in Residence A Districts Will Not Have a Significant Impact on the Environment
- Public Hearing Ordinance Changing the Approved Zoning Classification of 6.55 Acres of Land, East of Cannoneer Loop and South of Rand Drive, from Residence A to Residence C
- Public Hearing Ordinance Amending the Code of the City of Watertown, §310-34, Accessory Uses in Residence Districts

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence. Council Member Burns asked that the moment of silence be in honor of longtime Jefferson County Legislator Gino Zando.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of January 22, 2013 and adjourned meeting of January 28, 2013 was dispensed and accepted as written by motion of Council Member Roxanne M. Burns, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

PRESENTATIONS

Mayor Graham and City Council Members presented a Citizen's Award to Bernard H. Brown. Mr. Brown is the winner of the 61st Annual Shapiro Award which will be presented to him by the Greater Watertown Chamber of Commerce on Thursday, February 7, 2013.

COMMUNICATIONS

A letter was received from Neighbors of Watertown, Inc advising the City of an accident in which one of their tenants slipped on ice on the sloped area between the sidewalk and the road. To this date, a claim against the City has not been filed.

Above communication was placed on file in the office of the City Clerk.

A Notice of Claim was received concerning an accident occurring on December 29, 2012 in which a six year old boy was injured while sledding at Thompson Park.

Above claims have been referred to the Board of Audit.

PRIVILEGE OF THE FLOOR

Don Metzger, Town of Lyme addressed the chair in opposition of fracking waste from Pennsylvania at the City's Water Filtration Plant and stated that he recently heard a report on National Public Radio in which fracking fluid was found to be quite radioactive. He said that he wanted to raise this red flag and indicated that he plans to present this report to Council in the future.

<u>Nicole Kirnan</u>, 1000 Islands Privateers thanked Council, City Manager Addison, Attorney Slye and the staff of the Parks and Recreation Department for their help in solving the alcohol issue quickly. She stated that the team had a great year and appreciates the opportunity to be in the City of Watertown. In moving forward, she said that the team would like to be part of the process for improvements within the Arena so that the improvements will benefit the team as well as all the other user groups. She added that she is prepared to make a long-term commitment so that this is the team's home for many years to come.

PUBLIC HEARING

At 7:30 p.m. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning Changing the Approved Zoning Classification of 6.55 Acres of Land, East of Cannoneer Loop and South of Rand Drive, from Residence A to Residence C

Mayor Graham declared the hearing open at 7:30 p.m.

No one spoke.

Mayor Graham declared the hearing closed at 7:31 p.m.

At 7:31 p.m. Mayor Graham asked the City Clerk to read the notice of Public Hearing Concerning Amending the Code of the City of Watertown, §310-34, Accessory Uses in Residence Districts

Mayor Graham declared the hearing open at 7:31 p.m.

<u>Deborah Cavalario</u>, 259 Thompson Boulevard, addressed the chair stating that she presented Council with a petition for the removal of the accessory uses in Residence Districts at the last meeting and that she does not want boarders or dormitory situations in her neighborhood. She expressed that the media has made this a bigger issue and that she hoped that her neighbor would be grandfathered in. She reiterated that her concern is that this should not become a normal situation in a Residence A neighborhood.

Travis Hartman, 257 Thompson Boulevard stated that his concern is with the enforcement of the ordinance and how do you define a family. He questioned whether police officers should really spend their time going to houses to check license plates on vehicles in a driveway. He remarked that things have changed and it is no longer the 60's and 70's because family has a whole different meaning. He noted that he has best friends that he is closer to than his own brother and consider them to be his family.

Eileen Morrison, 254 Thompson Boulevard indicated that when she was approached with the petition she would not sign it. While living on Thompson Boulevard over the years, she said she has watched the land cleared and houses built as well as the elderly pass away, young couples moving in to start families and children growing up and going off to school. She discussed a time when the neighborhood was comprised of business owners, doctors, lawyers and a handful of millionaires. She mentioned a very "well to do" neighbor that was upset when a "low income" couple moved onto the street which she further explained was Mr. and Mrs. Cavallario. She indicated that if this neighbor had her way then over 80% of the neighborhood would not be there today. She stated that families have changed and the zoning in Residence A should not be changed.

<u>William Davis</u>, 737 Cadwell Street mentioned that he is on the Planning Board and explained now there are domestic partners and soldiers that can afford to buy a home but do not constitute as a family. He warned about discrimination and mentioned that he and his wife are a bi-racial couple. He stated that he pointed out to the Planning Board that this will pit neighbor against neighbor and mentioned that it will put the City at liability due to the difficulty with enforcement of this change.

Mayor Graham declared the hearing closed at 7:39 p.m.

RESOLUTIONS

Resolution No. 1 - Approving Employee Assistance Program Service Agreement, Northern Employee Assistance Services

Introduced by Council Member Roxanne M. Burns

WHEREAS Employee Assistance Programs are designed to assist employees and their families with difficult issues related to finances, stress at home and in the workplace, substance abuse, and other issues related to the well-being of employees, and

WHEREAS an Employee Assistance Program is an effective and supportive management tool aimed at helping employees cope with life's many challenges, and

WHEREAS the City wishes to continue to provide such a program for its employees and their families, and

WHEREAS the City of Watertown wishes to enter into a Service Agreement with Northern Employee Assistance Services, 167 Polk Street, Watertown, NY, for a one-year term,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Employee Assistance Program Service Agreement between the City of Watertown and Northern Employee Assistance Services, a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, is hereby authorized and directed to execute the Agreement on behalf of the City.

Seconded by Council Member Teresa R. Macaluso

Prior to the vote on the foregoing resolution, Council Member Burns noted that she agrees with the concept of this service but it is not fully utilized and she wonders if this is the best use of taxpayers' money. She commended Ms. Addison for wanting to use this more than it had been used in the past.

Council Member Smith mentioned that this had been marketed as a good management tool but noticed that there was only one referral from a supervisor. He questioned the need for this service and said that in the private sector, services are accessed through their health benefits plan.

Council Member Butler remarked that \$7,000 is a lot to pay for a program that is used very little. He explained that he was reluctant to support this in the past and will not support it tonight. When looking at the problematic areas, he stated that a family physician could make recommendations or referrals. He also asked if the City could pay on a case by case basis.

In regards to the "Orientation and Training Attendance", Council Member Smith asked if this component would be encompassed into the proposed HR position.

Ms. Addison explained that the orientation is to the benefit and the services offered. She clarified that supervisor referrals are shown at the bottom of the page under "Formal Referral" and the total was three referrals. She added that a supervisor can make a referral but the City cannot mandate it because the employee has the right to refuse the services.

Council Member Macaluso commented that these programs have proven to be very beneficial in many areas and provides a paper trail if something was to happen with an employee.

Ms. Addison responded that she has not explored whether the City could be billed on a case by case basis.

Mayor Graham stated that this has been debated each year and that his colleagues raised good points

regarding the low frequency of use and cost effectiveness. He indicated that the City Manager is intended to manage the work force in a manner that she thinks is appropriate and that he is supportive of the initiatives that she thinks are important in order to do her job.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except for Council Member Joseph M. Butler, Jr. and Council Member Jeffrey M. Smith voting nay.

<u>Resolution No. 2 - Authorizing Sale of Real Property, Known as 123 Lynde Street East to</u> Thousand Islands Area Habitat for Humanity, 1 Public Square, Watertown, New York 13601

Introduced by Council Member Jeffrey M. Smith

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 123 Lynde Street East, approximately 86' x 73' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 03-04-201.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$1.00 submitted by Thousand Islands Area Habitat for Humanity for the purchase of Parcel No. 03-04-201.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Thousand Islands Area Habitat for Humanity upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City. **Seconded by Council Member Teresa R. Macaluso**

Prior to the vote on the foregoing resolution, Mayor Graham said that he thought this would be a perfect site for them and mentioned that this organization redeveloped a similar site on Lynde Street which has become a great addition to the neighborhood.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

Resolution No. 3 - Approving Contract for Professional Services With Avalon Associates Inc. and Neighbors of Watertown Inc. for a FY 2013 Small Cities CDBG Application

Introduced by Council Member Teresa R. Macaluso

WHEREAS it is expected that grant funding will be available through New York State Office of Community Renewal to support local community development activities that are undertaken by eligible municipalities, and

WHEREAS the City of Watertown is eligible to apply for funding in the Fiscal Year 2013 competition under the Small Cities Community Development Block Grant program, and

WHEREAS Avalon Associates Inc. has been selected as the City's community development consultant for the Small Cities Program, and

WHEREAS a Contract for Professional Services between the City of Watertown, Avalon Associates Inc. and Neighbors of Watertown Inc. has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Contract for Professional Services with Avalon Associates Inc. and Neighbors of Watertown Inc. for a FY 2013 Small Cities Community Development Block Grant application, and

BE IT FURTHER RESOLVED that City Manager, Sharon Addison, is hereby authorized and directed to execute the contract on behalf of the City Council.

Seconded by Council Member Roxanne M. Burns

Prior to the vote on the foregoing resolution, Council Member Butler reviewed the amount of revenue collected by Avalon from the City.

Ken Mix, Planning Coordinator clarified that he does not recall ever needing to pay the hourly rate for any additional services. He reviewed the use of the grant money for each year since 2008 and noted that there were not any downtown projects ready for the 2011 money so the funds will be used city-wide and downtown units are planned for the 2012 money. He explained that each grant has been for \$400,000 and that the money has all been used for rehab of low to moderate income rental units. He mentioned that downtown projects are much more complicated and take longer to put together. He confirmed that there is no lack of landlords wanting the funds city-wide and the money spent to help the City with this program is well worth it.

In response to Council Member Smith's inquiry, Mr. Mix explained that the grant money could not be used for pool renovations because it is based on the population of the potential users which would include the entire City. He further explained that population of the City does not meet the 51 % low to moderate income requirement.

Council Member Smith asked if this grant money could be used in conjunction with Habitat for Humanity.

Mr. Mix answered that this is a potential use of the funds and the cost of demolition could be included.

Future uses for this grant money will be discussed further at a future worksession.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

Resolution No. 4 - Approving Contract for Professional Services For Avalon Associates Inc. and Neighbors of Watertown Inc. for a FY 2013 HOME Application to HTFC

Introduced by Council Member Roxanne M. Burns

WHEREAS it is expected that grant funding will be available through New York State Housing Trust Fund Corporation for the HOME Investment Partnership Program, and

WHEREAS Avalon Associates Inc. has been selected as the City of Watertown's community development consultant for the HOME Investment Partnership Program, and

WHEREAS a Contract for Professional Services between the City of Watertown, Avalon Associates Inc. and Neighbors of Watertown Inc. has been drafted, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby approves the Contract for Professional Services with Avalon Associates Inc. and Neighbors of Watertown Inc. for a FY 2013 HOME Investment Partnership Program application to New York State Housing Trust Fund Corporation, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, is hereby authorized and directed to execute the contract on behalf of the City Council.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Resolution No. 5 - Approving 2013-14 Franchise Agreement, 1000 Islands Privateers, LLC

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown owns and operates a facility knows as the Watertown Municipal Arena, a community recreational facility, and

WHEREAS the City of Watertown desires to promote recreational activities at the Watertown

Municipal Arena for the valid public purpose of the benefit, recreation, entertainment, amusement, convenience and welfare of the people of the City, and

WHEREAS in pursuit of that valid public purpose, the City of Watertown desires to enter into a Franchise Agreement with the 1000 Islands Privateers, LLC, and

WHEREAS the 1000 Islands Privateers, LLC owns and operates a semi-professional hockey team, as a member and franchise of the Federal Hockey League, and

WHEREAS the 1000 Islands Privateers, LLC desires to enter into a Franchise Agreement with the City of Watertown to have its team play hockey games within the confines of the Watertown Municipal Arena,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Franchise Agreement between the City and the 1000 Islands Privateers, a copy of which is attached hereto and made part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Sharon Addison is hereby authorized and directed to execute the Franchise Agreement on behalf of the City of Watertown. Seconded by Council Member Teresa R. Macaluso

Prior to the vote on the foregoing resolution, Mayor Graham thanked Ms. Kirnan for her kind remarks at the beginning of the meeting and stated that he was encouraged that the team wants to stay in Watertown.

Council Member Butler mentioned that he would like to see the season completed prior to approving this in order to assess the entire year.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea except Council Member Joseph M. Butler, Jr. voting nay.

Resolution No. 6 - Finding That Changing the Approved Zoning Classification of 6.55 Acres of Land, East of Cannoneer Loop and South of Rand Drive, From Residence A to Residence C Will Not Have a Significant Impact on the Environment

Introduced by Council Member Roxanne M. Burns

WHEREAS the City Council of the City of Watertown, New York, has before it a proposed Ordinance changing the approved zoning classification of 6.55 acres of land, east of Cannoneer Loop and south of Rand Drive, from Residence A to Residence C, and

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS the approval of the zone change would constitute such an "Action," and

WHEREAS the City Council has determined that changing the zoning classification of this property is an Unlisted Action as that term is defined by 6NYCRR Section 617.2, and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change will have a significant impact on the environment, Part I of a Short Environmental Assessment Form has been prepared, a copy of which is attached and made part of this Resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that:

- 1. Based upon its examination of the Short Environmental Assessment Form and comparing the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact is known and the adoption of the zone change will not have a significant impact on the environment.
- 2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
- 3. This Resolution shall take effect immediately.

Seconded by Council Member Jeffrey M. Smith and carried with all voting yea.

Resolution No. 7 - Finding That Amending Section 310-34 of the Zoning Ordinance to Disallow Roomers in Residence A Districts Will Not Have a Significant Impact on the Environment

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City Council of the City of Watertown, New York, has before it a proposed Ordinance amending §310-34 of the Zoning Ordinance by deleting the sentence that allows taking of non-transient roomers as an accessory use in Residence districts, and

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS the approval of the zoning amendment would constitute such an "Action," and

WHEREAS the City Council has determined that the proposed amendment is a Type I Action as that term is defined by 6NYCRR Section 617.2, and

WHEREAS to aid the City Council in its determination as to whether the proposed amendment will have a significant impact on the environment, Part I of a Full Environmental Assessment Form has been prepared, a copy of which is attached and made part of this Resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that:

1. Based upon its examination of the Full Environmental Assessment Form and comparing the

proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact is known and the adoption of the amendment will not have a significant impact on the environment.

- 2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
- 3. This Resolution shall take effect immediately.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

ORDINANCES

The Ordinance "Changing the Approved Zoning Classification of 6.55 Acres of Land, East of Cannoneer Loop and South of Rand Drive, from Residence A to Residence C" (Introduced on 1/22/2013; public hearing held this evening; appears in its entirety in the 2013 Minute Book on page 21-23 of the 1/22/2013 minutes).

At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.

The Ordinance "Amending the Code of the City of Watertown, §310-34, Accessory Uses in Residence Districts" (Introduced on 12/17/2012; public hearing held this evening; appears in its entirety on page 320-321 of the 2012 Minutes Book).

Council Member Smith indicated that changing this had nothing to do with race, orientation or discrimination. He stated that it is about what a Residential A neighborhood is and that people expect it to consist of single family homes. He added that zoning defines a neighborhood and its character.

Council Member Macaluso mentioned that she takes issue with the Council determining who is allowed to live with whom in the City. She said that this case is a bunch of friends living together and she does not see that any different than a family.

Council Member Burns commented that it is not a matter of who lives there but more the number of people that live in the house. She said that she does not see this as Council deciding what constitutes a family. She noted that the people that signed the petition felt that they purchased property for single family residences. Regarding the Planning Board's recommendations, she stated that she would support passing this.

Council Member Butler indicated that this is a tough decision but the reason why there are differently zoned residences is because they have distinguishing characteristics. He said that when multiple uses are allowed in these zones then the lines of distinction start to blur.

At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea except Council Member Teresa R. Macaluso and Mayor Jeffrey E. Graham voting nay.

DISCUSSIONS

Council Goals and Objectives

Mayor Graham stated that in the past during budget season each Council Member submitted a list of goals and objectives. In discussing this with the City Manager, he stated that he would prefer that any individual priorities be discussed directly with the City Manager or brought up during a Council meeting.

Council concurred to use this type of communication in place of developing the lists.

Fire Inspections

Mayor Graham mentioned that he discovered an article regarding the Watertown Fire Department and the issue of fire inspections in a national publication called Firehouse. He mentioned that since this has been advanced to a national level, it is fair to discuss this here and encouraged members to do as well as answer questions regarding this issue. He reminded Council of the April 17th letter from the former City Manager which put an end to the "courtesy inspections" done by the Fire Department because this was vested in the Code Department under State and a local law. He added that the directive has been affirmed not just by Mrs. Corriveau but the two succeeding City Managers as well. He advised that Ms. Addison has been working with the Codes Department and the Fire Department concerning the pre-inspection of buildings in order to develop a mapping program of buildings. He added that Ms. Addison has been upfront at her battalion meetings to discuss the concerns. He said that he expects that those that take on a management title should be of a management team that works in conjunction with the City Manager to devise solutions. He expressed his support of the City Manager and stated that Council put a lot of thought into hiring Ms. Addison and thinks she is doing a good job.

Motion was made by Council Member Roxanne M. Burns to move into Executive Session to discuss the employment history of particular individuals.

Motion was seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.

Council moved into Executive Session at 8:06 p.m.

Council reconvened at 9:12 p.m.

<u>ADJOURNMENT</u>

At the call of the chair, meeting was duly adjourned at 9:12 p.m. by motion of Mayor Jeffrey E. Graham, seconded by Council Member Roxanne M. Burns and carried with all voting in favor thereof.

ann M. Saunders, City Clerk